

REMARKS

This is in response to the Office Action dated May 29, 2007.

I. SUMMARY OF OFFICE ACTION

In the Office Action, the Examiner objected to the Abstract based on a contention that it exceeds the 150 word limit.

Claims 22-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Gardineer (U.S. Patent No. 4,674,962).

Claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Blugerman (U.S. Patent No. 5,447,493) in view of Goodman (U.S. Patent No. 5,322,070), and further view of Faser (U.S. Patent No. 4,544,336), and further view of Oda (U.S. Patent No. 5,810,765), and still in further view of Reimels (U.S. Patent No. 5,580,347). Claims 12-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Blugerman in view of Oda and in further view of Reimels. Claims 15-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gardiner in view of Oda and in further view of Reimels. Claims 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gardiner in view of Blugerman. Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gardiner in view of Oda. Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gardiner in view of Reimels.

II. APPLICANT'S RESPONSE

A. Specification

By this amendment, Applicant respectfully requests entry of the new Abstract as presented above in the amendments to the Specification section. The new Abstract does not exceed the 150 word limit. Accordingly, the new Abstract overcomes the Examiner's objection.

B. Claims 1-11

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. §103(a) as being unpatentable over Blugerman in view of Goodman in further view of Faser in further view of

Oda and still in further view of Reimels. In response, Applicant has amended Claim 1 to recite a control air inlet of a pump operative to receive a pulse of air from a foot pedal to control operation of the pump. Applicant respectfully submits that the cited prior art, namely, Blugerman, Goodman, Faser, Oda and Reimels do not disclose such subject matter. In the Office Action, the Examiner, as understood, utilizes the Goodman disclosure to show that the prior art discloses the “pulse of air” subject matter. However, Applicant respectfully submits that the disclosure of Goodman does not show that the “pulse of air” is delivered to the pump. Rather, the pulse of air is delivered to a valve. In support thereof, Applicant directs the Examiner’s attention to Col. 3, Line 67 to Col. 4, Line 1 which appears to disclose that the pulse of air is delivered to a valve. A valve is not a pump. Moreover, it appears that the Goodman disclosure does not incorporate a pump. Rather, the Goodman device is operated through compressed carbon dioxide supplied in a tank. (See Col. 4, Lines 60-65). A tank is also not a pump. Accordingly, the pulse of air disclosed in the Goodman disclosure is not delivered to a pump. Hence, the cited prior art does not disclose, suggest or make obvious a “pulse of air” received by a control air inlet of a pump. Thus, Claim 1 is believed to be in condition for allowance. The dependent claims of Claim 1, namely, Claims 2-11 are also believed to be in condition for allowance for containing additional patentable subject matter and for being dependent upon allowable base Claim 1.

C. Claims 12-14

In the Office Action, Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable in view of Blugerman in view of Oda and in further view of Reimels. In response, Applicant has amended Claim 12 to recite a fluid flow rate sensor in communication with the flexible tubing. Applicant respectfully submits that the cited prior art, namely, Blugerman, Oda and Reimels do not disclose such subject matter. In the Office Action, as understood, the Examiner utilizes Oda to show a sensor in communication with a tubing. However, upon further investigation of the Oda disclosure, the sensor is not a fluid flow rate sensor. Rather, the sensor is a pressure sensor. In support thereof, Applicant respectfully directs the Examiner’s attention to Col. 5, Lines 57-67 of the Oda disclosure which appears to disclose the sensor 31 as a pressure sensor. As understood, the pressure

sensor 31 of Oda measures only a single pressure reading in the tubing. Accordingly, the pressure sensor of Oda does not, as understood, measure a fluid flow rate. It is believed that a pressure drop (i.e., two pressure readings) is necessary to calculate flow rate. For the foregoing reasons, Applicant respectfully submits that the cited prior art does not disclose, suggest or make obvious the invention recited in amended Claim 12. Hence, Claim 12 is believed to be in condition for allowance. The dependent claims of Claim 12, namely, Claims 13 and 14 are also believed to be in condition for allowance for containing additional patentable subject matter and for being dependent upon allowable base Claim 12.

D. Claims 15-21

In the Office Action, Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable in view of Gardiner in view of Oda and in further view of Reimels. In response, Applicant has amended Claim 15 to recite a mechanical sensor in communication with the rollers. Applicant has deleted a mechanical sensor in communication with a “pathway” subject matter from Claim 15.

As understood, the Examiner utilized Oda to show a sensor in communication with the pathway. Since Applicant has deleted the “pathway” subject matter from Claim 15, Applicant respectfully submits that the Oda disclosure does not disclose all of the limitations recited in amended Claim 15, namely, a mechanical sensor in communication with a roller. In support thereof, Applicant respectfully directs the Examiner’s attention to Col. 5, Lines 57-67 of the Oda disclosure which describes the sensor 31 as being in communication with the tubing (i.e., pathway). Accordingly, the cited prior art does not disclose the invention recited in amended Claim 15.

Moreover, the cited prior art, namely, Oda does not disclose a mechanical sensor. At Col. 5, Lines 57-67 of the Oda disclosure, the sensor is described as a pressure sensor and not a mechanical sensor. Hence, the cited prior art further does not disclose the aspect of a mechanical sensor recited in amended Claim 15. Hence, Claim 15 is believed to be in condition for allowance. The dependent claims of Claim 15, namely, Claims 16-21 are also believed to be in condition for allowance for containing additional patentable subject matter and for being dependent upon allowable base Claim 15.

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E. Claims 22-28

Claims 22-28 have been cancelled without prejudice.

III. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that Claims 1-21 are believed to be in condition for allowance. An Early notice of allowance is therefore respectfully requested. Should the Examiner has any suggestions or comments for expediting allowance of the above-identified application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 10/19/07 By:
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